Robinson, Nehemiah v. T. Catlett, et al.
USDC-Southern District Case No. 08-CV-00161-H (BLM)

EXHIBIT 4

70126259.wpd

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INMATE/PAROLEE APPEAL FORM FILE COPY
CDC 602 (12/87)

Location: Institution/Parole Region CAL
1.
2.

Log No. B 0701769
1.
2.

Category 11
Per CDW Review of Staff Complaint

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
NEHEMIAH ROBINSON	J-71342		A-5-109L

A. Describe Problem: PETITIONER HEREBY MOVES TO FILE A 1ST AMEND. CIVIL RIGHTS CITIZEN COMPLAINT § 832.5 P.C. AGAINST "T. A. CATLETT, CORRECTIONAL SERGENT, FACILITY B, CALIPATRIA STATE PRISON; FOR PERJURY AND FRAUD IN FALSIFYING AND FABRICATING FALSE ALLEGATIONS, ALLEGING THAT "PETITIONER WAS OBSERVED . . . STRIKING THE OTHER INMATE NUMEROUS TIMES WITH THE CANE"; ON FRIDAY, AUGUST 17, 2007, AT APPROXIMATELY 11:29 HOURS; AND SGT. CATLETT REFER TO THE CRIME / INCIDENT REPORT, LOG # CAL-FBY-07-08-0240. NO EVIDENCE OF SUCH FALSELY SUBMITTED STATEMENTS WERE NEVER CORROBORATED NOR SUSTAINED. I HEREBY INVOKE MY FEDERALLY SECURED AND ESTABLISHED RIGHT TO FILE PERJURY AND FRAUD CHARGES →

If you need more space, attach one additional sheet.

B. Action Requested: WHEREFORE PETITIONER RESPECTFULLY REQUEST 1) THAT AUTHORIZED STAFF INSPECT AND CORRECT THE CDC 128-B DATED 8-17-07 GENERATED BY SGT. CATLETT 2) SGT. CATLETT BE COUNSELED SO THAT THIS ACT DONT REPEAT ITSELF, AND 3) COMPENSATED IN THE AMOUNT OF $ 5000.00 FOR LIBEL AND SLANDER AND PAIN AND SUFFERING. I EXTEND MY GRATITUDE IN ADVANCE.

Inmate/Parolee Signature: [signature] Date Submitted: 9-12-07

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C. INFORMAL LEVEL (Date Received: ________)

Staff Response: ________

Staff Signature: ________ Date Returned to Inmate: ________

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

CSP-CAL/PASS

Signature: ________ Date Submitted: ________

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

CAL

B 0701769

CONT. OF A:
(DESCRIBE PROBLEM)

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CAL B0701769

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AGAINST "SGT. CATLETT" FOR VIOLATIONS OF PENAL CODES SECTS. § 115, 118 (a), 135, 132 ASSERTING IT IS A CRIME TO SUBMITT ANY TYPE OF FALSE OR FABRICATED STATEMENT SUBMITTED ON A GOVERNMENT FORM TO A STATE AGENCY KNOWING SUCH INFORMATION TO BE FRAUDULENT, FALSE, OR FABRICATED AGAINST ANY PERSON OR PRISONER, INTENDED SPECIFICALLY FOR PUNISHMENT WITHOUT DUE PROCESS OF THE LAW UNDER THE 14TH AMEND. PROHIBITIONS OF THE DUE PROCESS CLAUSE TO THE 14TH AMEND. OF THE U.S. CONSTITUTION. PETITIONER MOVES TO CHARGE "SGT. CATLETT", FOR PENAL VIOLATIONS OF CRIMINAL LAW PROCEDURES P.C's 115(a), 118, 132, 135, WILLFULLY AND KNOWINGLY THAT SUCH MISCONDUCT AGAINST ANY PERSONS, CITIZENS, OR PRISONERS IS AN ACT UNAUTHORIZED BY CCR TITLE 15 AND BY LAW. PETITIONER, IS EXPERIENCING PAIN AND SUFFERING, AND HAVE BEEN DENIED HIS OR A WALKING CANE, BASED UPON THE CDC 128-B (GENERAL CHRONO) GENERATED BY "SGT. CATLETT" FABRICATED, FALSE-ALLEGATIONS THAT WAS POLICE CREATED FABRICATION TO JUSTIFY THEIR UNLAWFUL ACTIONS OF NOT ALLOWING PETITIONER TO POSSESS HIS OR A WALKING CANE, KNOWING THAT PETITIONER SUFFER FROM A DISABILITY THAT DEBILITATE AND IMPAIR HIS ABILITY TO FUNCTION NORMAL, TO WIT, "RIGHT-KNEE-LATERAL MENISCAL TEAR," AND PENDING SURGERY." CONSTITUTED CRUEL AND UNUSUAL PUNISHMENT. NO WHERE DOES IT STATE, BY EITHER REPORTING EMPLOYEE THAT ALLEGEDLY OBSERVED THE INCIDENT ON FRIDAY, AUGUST 17, 2007, AT APPROXIMATELY 11:29 HOURS, THAT "THEY OBSERVED" PETITIONER STRIKING THE OTHER INMATE NUMEROUS TIMES WITH THE CANE" (AS REFERENCED IN CRIME / INCIDENT REPORT, LOG # CAL - FBY-07-08-0240.) (SEE ATTACHED CDC 128-B) ATTACHED AS EXHIBIT DATED 8-17-07

AUTHORITY

1) CCR TITLE 15 § 3241. (a), 2) § 3391. (a), 3) AND § 3004. (a) (b) (c), AND 4) § 3450-(a) (1) (2), 5) § 3413. (a) (A) (1) (2) (C), 6) AND 5. U.S.C § 552a (e)(4).

" ... 9 11 07.

B0701769

First Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: SEP 20 2007 Due Date: 10/30/07

Interviewed by: R. Johnson Correctional Lieutenant

(See Attachment)

Staff Signature: [signature] Title: Lt. Date Completed: 10/16/07

Division Head Approved: Returned

Signature: [signature] Title: Captain Date to Inmate: OCT 19 2007

OCT 19 2007

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response. PETITIONER RESPECTFULLY REQUEST A SECOND LEVEL REVIEW FOR THE FOLLOWING REASONS 1) R. JOHNSON, CORRECTIONAL LIEUTENANT DELIBERATELY INDIFFERENTLY MIS-STATED THE FACTS OF THE EVIDENCE; AND FALSIFIED AND FABRICATED ALLEGATIONS IN HIS ATTACHED CDCR 837-A, A1 COVER SHEET / SUPPLEMENTAL REPORT DATED 08-17-07, WHICH SET IN MOTION THE ACT COMMITTED BY SGT. T.A CATLETT; AND LT. R. JOHNSON KNOW OR REASONABLY SHOULD KNOW THAT BY HIM BEING A SUPERIOR → (PLEASE SEE REVERSE SIDE OF ATTACHED ADDITIONAL SHEET)

Signature: [signature] Date Submitted: 10-22-07

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Second Level ☐ Granted ☒ P. Granted ☐ Denied ☐ Other

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: OCT 26 2007 Due Date: 11/23/07

☒ See Attached Letter

Signature: G. J. JANDA, AW-A/B [signature] Date Completed: NOV 14 2007

Warden/Superintendent Signature: T. OCHOA, CDW [signature] Date Returned to Inmate: NOV 14 2007

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third level within 15 days of receipt of response.

Signature: Date Submitted:

For the Director's Review, submit all documents to: Director of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other

☐ See Attached Letter

Date:

CDC 602 (12/87)

(REVERSE SIDE OF ATTACHED ADDITIONAL SHEET)

CONT. OF F.:
(SECOND-LEVEL-REVIEW)

OFFICER, SPECIFICALLY DOCUMENTING FALSE/FABRICATED STATEMENTS THAT " INMATE CLARK RECEIVED A BLOW TO HIS HEAD THIS INJURY WAS CLEARLY A RESULT OF INMATE ROBINSON STRIKING INMATE CLARK ON THE HEAD WITH A CANE . . . . ", WOULD CAUSE HIS SUBORDINATE OFFICER TO INFLICT THE CONSTITUTIONAL INJURY STATED BY PETITIONER, (DISCIPLINE) 2) THE LACK OF REPRIMAND OR DISIPLINE FOR THE OFFICERS INVOLVED EVEN WHEN HIS SUPERIOR OR SUPERVISOR WERE AWARE OF THE COMPLAINT, (SUBSTANTIATE) WITH SUPPORTING FACTS ATTACHED TO SUBSTATIATE PETITIONERS' ALLEGATION, 3) AND THE RESPONSIBILITY OF INVESTIGATING OR REVIEWING THIS MATTER SHALL NOT BE DELEGATED TO OFFICERS INVOLVED IN THE GRIEVANCE; SPECIFICALLY, LT. R. JOHNSON IS A "REPORTING STAFF" IN THE CRIME INCIDENT REPORT, DATED 08-17-07, INCIDENT LOG NO. CAL-FBY-07-08-0240 (ATTACHED), 4) COMPENSATED IN THE AMOUNT OF $ 5000.00 FOR LIBEL AND SLANDER AND PAIN AND SUFFERING, AND 5) ANYONE WHO "CAUSES" ANY CITIZEN TO BE SUBJECTED TO A CONSTITUTIONAL DEPRIVATION IS ALSO LIABLE, UNDER 42 U.S.C.A § 1983. THEREFORE, IT IS RESPECTFULLY REQUESTED THAT THE PERSON OR OFFICIAL ASSIGNED TO REVIEW THIS MATTER ON THE SECOND LEVEL, BE FAIR AND IMPARTIAL AND UPHOLD THE LAW AND THE UNITED STATES CONSTITUTION (8TH AND 14TH AMEND. OF THE U.S.C).

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STATE OF CALIFORNIA

CAL B0701769

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NAME and NUMBER

CDC 128-B

ROBINSON -J-71342

On Friday, August 17, 2007, at approximately 11:29 hours Inmate ROBINSON, J-71342, was involved in an incident of Battery on an Inmate with a Weapon, as referenced in Crime/Incident Report, Log #CAL-FBY-07-08-0240. During this incident Inmate ROBINSON was observed utilizing his cane to assault another inmate, striking the other inmate numerous times with the cane. The use of Oleoresin Capsicum spray was necessary in order to quell Inmate ROBINSON's aggressive use of his cane. The cane was subsequently placed into evidence, and staff has determined that continued possession of the cane by Inmate ROBINSON would pose a grievous threat to the safety and security of staff, inmates, and the institution.

Original: Central File
cc: Program Lieutenant
CCI
Housing Unit
Security and Investigations Unit
Inmate

T. A. CATLETT, Correctional Sergeant
Facility B
Calipatria State Prison

Dated: 08/17/07 (INFORMATIONAL – PROPERTY CONFISCATION) GENERAL CHRONO

SCREENED OUT SEP 07 2007

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I/M Copy

CAL

B0701769

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART A - COVER SHEET

CDCR 837-A (REV. 10/06) (1)

DV-1.5.2

Page 1 of 15	INCIDENT LOG NUMBER	INCIDENT DATE	INCIDENT TIME
	CAL-FBY-07-08-0240	08/17/2007	11:29

INSTITUTION	FACILITY	FACILITY LEVEL	INCIDENT SITE	LOCATION	PROGRAM	AD/SEG YARD	USE OF FORCE
CAL	FBY - B yard #1	☐ I ☐ II ☐ RC ☐ III ☑ IV	FACILITY B	YARD #1	GP	N/A	Yes

SPECIFIC CRIME / INCIDENT	☑ CCR ☐ PC ☐ N/A NUMBER / SUBSECTION
Battery on an Inmate With a Weapon	3005-c1 Force or Violence

D.A. REFERRAL ELIGIBLE	CRISIS RESPONSE TEAM ACTIVATED	MUTUAL AID	PIO/AA NOTIFIED
☑ Yes ☐ No	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No

RELATED INFORMATION (CHECK ALL THAT APPLY OR N/A)

DEATH AND CAUSE OF DEATH	ASSAULT / BATTERY	TYPE OF ASSAULT / BATTERY
☑ N/A	☐ N/A 1. INMATE	☐ N/A 1. BATTERY ON INMATE Other Desc:

SERIOUS INJURY	INMATE WEAPONS	TYPE OF WEAPON / SHOTS FIRED / FORCE
☑ N/A	☐ N/A 1. Other Not Listed - Other Description: CANE	☐ N/A 1. OC - MK-9 #Warning: 0 #Effect: 0 #Chemical: 1
ESCAPES		
☑ N/A		

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AUG 31 2007
Associate Warden
Central Operations

CONTROLLED SUBSTANCE	WEIGHT/ In Grams	PROGRAM STATUS	EXCEPTIONAL ACTIVITY
☑ N/A		☑ N/A	☑ N/A
			EXTRACTION: ☑ N/A

8/29/07

BRIEF DESCRIPTION OF INCIDENT (ONE OR TWO SENTENCES)

On August 17, 2007 at approximately 1129 hours, inmate Robinson, J71342, B2-107L, committed "Battery on an Inmate with Weapon" on Inmate Clark, H76477, B4-242U, resulting in use of force.

COMPLETE SYNOPSIS / SUMMARY ON PART A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
R JOHNSON	CORRECTIONAL LIEUTENANT	1761357	53511
SIGNATURE OF REPORTING STAFF	PHONE EXT. INCIDENT SITE		DATE
	6205		8/17/2007

NAME OF WARDEN / AOD (PRINT / SIGN)

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART A1 - SUPPLEMENT
CDCR 837-A1 (REV. 10/06).

DV-1.5.2

Page 2 of 15	INCIDENT LOG NUMBER: CAL-FBY-07-08-0240

INSTITUTION	FACILITY	INCIDENT DATE	INCIDENT TIME
CAL	FBY - B YARD #1	08/17/2007	11:29

TYPE OF INFORMATION:

☑ SYNOPSIS/SUMMARY OF INCIDENT ☐ SUPPLEMENTAL INFORMATION ☐ AMENDED INFORMATION ☐ CLOSURE REPORT

PRECIPITATING EVENTS:
On Friday, August 17, 2007, at approximately 1129 hours, Correctional Officer J. Rivas, B yard gunner, observed Inmate Robinson, J71342, B2-107L, swinging a state issued cane at Inmate Clark, H76477, B4-242U. Officer Rivas activated the yard alarm and the yard was ordered down, Inmates Robinson and Clark failed to comply with orders to get down. Correctional Sergeant (A) C. Neal, B yard Sergeant, responded to the area and observed Inmate Robinson attempting to strike Inmate Clark with the cane, Sergeant Neal sprayed Inmate Robinson with his state issued MK-9X (OC) oleoresin capsicum spray, both inmates complied with orders to get down. Upon medical evaluation it was determined the Inmate Clark had an injury to his head consistent with being bludgeoned with the cane.

This report is a compilation of involved staffs written reports. For a more detailed and descriptive report refer to the appropriate CDCR 837C/C1.

USE OF FORCE:
Correctional Sergeant Neal utilized his state issued MK-9 OC spray to the facial area of Inmate Robinson.

DECONTAMINATION:
Inmate Robinson was decontaminated from the effects of the OC spray with cool running water in the yard misters. Inmate Clark was not exposed to OC spray.

SUSPECT:
Inmate Robinson, J71342, B2-107L.

VICTIM:
Inmate Clark, H76477, B4-242U.

CRIMESCENE / EVIDENCE:
Sergeant Neal processed one stated issued cane into evidence locker #11 in central control.

SEARCHES / ESCORTS:
Correctional Officer J. Torrent, B5 floor officer #1, placed Inmate Robinson in restraints conducted a clothed body search, decontaminated, placed Inmate Robinson in the program office holding cell conducted a unclothed body search, all with negative results for weapons or contraband.

Correctional Officer M. Davila, B rec. officer, placed Inmate Clark in restraints conducted a clothed body search, placed Inmate Clark in the facility B satellite medical clinic holding cell conducted a unclothed body search, all with negative results for weapons or contraband.

MEDICAL TREATMENT / STAFF:N/A

MEDICAL TREATMENT / INMATE:
A CDCR 7219 medical report of injury or unusual occurrence was completed on all involved inmates noting the following injuries:
Inmate Robinson sustained no injuries.
Inmate Clark sustained a 1 1/2 inch laceration with swelling to the left side of the head.

ADDITIONAL INFORMATION:
Inmate Robinson will be issued a CDCR 115 Rule Violation Report for violation of CCR 3005© for the specific act of "Battery on an Inmate with Weapon".

Inmate Clark received a blow to his head this injury was clearly a result of Inmate Robinson striking Inmate Clark on

☑ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
R JOHNSON	CORRECTIONAL LIEUTENANT	1761357	53511

SIGNATURE OF REPORTING STAFF	PHONE EXT. INCIDENT SITE	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DV-1.5.2

CRIME / INCIDENT REPORT
PART A1 - SUPPLEMENT
CDCR 837-A1 (REV. 10/06)

Page 3 of ~~8~~ 15	INCIDENT LOG NUMBER CAL-FBY-07-08-0240		
INSTITUTION CAL	FACILITY FBY - B YARD #1	INCIDENT DATE 08/17/2007	INCIDENT TIME 11:29

TYPE OF INFORMATION:

☑ SYNOPSIS/SUMMARY OF INCIDENT ☐ SUPPLEMENTAL INFORMATION ☐ AMENDED INFORMATION ☐ CLOSURE REPORT

the head with a cane and not as a result of any force by staff, therefore a videotaped interview is unnecessary.

This incident may be referred to the Imperial County District Attorneys office for possible felony prosecution.

Inmate Clark was deemed the victim of this assault, a CDC128 was generated identifying Inmate Clark and Inmate Robinson as enemies.

Inmate Clark stated that he has no housing concerns and requested to remain on B facility, a CDC128B informational chrono was generated and signed by Inmate Clark indicating this.

Inmate Robinson was medically cleared and rehoused in Administrative Segregation, pending review by Institutional Classification Committee for program and housing needs.

None of the involved inmates are participants in the Mental Health Services Delivery system, Disability Placement Program, Developmental Disability Placement program at any level of care.

None of the involved inmates made any allegations of excessive or unnecessary force.

All involved staff have been canvassed and advised to submit reports.

There was no damage to state or personal property as a result of this incident.

All appropriate administrative staff have been notified of this incident.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL A1

NAME OF REPORTING STAFF (PRINT/TYPE)	TITLE	ID#	BADGE #
R JOHNSON	CORRECTIONAL LIEUTENANT	1761357	53511
SIGNATURE OF REPORTING STAFF		PHONE EXT. INCIDENT SITE	DATE

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART B1 INMATE
CDCR 837-B (REV. 10/06)

CAL

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INSTITUTION: CAL-

FACILITY: FBY- B Yard #1

INCIDENT LOG NUMBER: CAL-FBY-07-08-0240

INMATE (ENTIRE SHEET)

NAME: LAST Clark | FIRST Chester | MI | CDC # H-76477 | SEX | ETHNICITY | FBI #: | CII #

PARTICIPANT ☐ VICTIM ☐ SUSPECT ☐ WITNESS | CLASS SCORE | PVRTC ☐ YES ☐ NO | DATE REC'D BY CDC | DATE REC'D BY INST | ANTICIPATED RELEASE DATE | RELEASE Date Type | EXTRACTION ☐ YES ☐ NO | DOB | HOUSING B4-242U

INMATE LEVEL | ☐ N/A ☐ CCCMS ☐ EOP ☐ DMH ☐ MHCB ☐ DDP ☐ DPP | COMMITMENT OFFENSE | COUNTY OF COMMITMENT

☐ N/A DESCRIPTION OF INJURIES | Injury Location - Cause - Force Used

☐ N/A ☐ TREATED AND RELEASED ☐ HOSPITALIZED ☐ REFUSED TREATMENT ☐ DECEASED DATE | NAME/ LOCATION OF HOSP/ TREATMENT FACILITY ☐ N/A

Reason For Death | Is There Serious Injury ☐ YES ☐ NO | ☐ N/A PRISON GANG / DISRUPTIVE GROUP: | VALIDATED / ASSOCIATED ☐ VALIDATED ☐ ASSOCIATED

NAME: LAST Robinson | FIRST Nehemiah | MI | CDC # J-71342 | SEX | ETHNICITY | FBI #: | CII #

PARTICIPANT ☐ VICTIM ☐ SUSPECT ☐ WITNESS | CLASS SCORE | PVRTC ☐ YES ☐ NO | DATE REC'D BY CDC | DATE REC'D BY INST. | ANTICIPATED RELEASE DATE | LWOP | EXTRACTION ☐ YES ☐ NO | DOB | HOUSING B2-107L

INMATE LEVEL | ☐ N/A ☐ CCCMS ☐ EOP ☐ DMH ☐ MHCB ☐ DDP ☐ DPP | COMMITMENT OFFENSE | COUNTY OF COMMITMENT

☐ N/A DESCRIPTION OF INJURIES | Injury Location - Cause - Force Use

☐ N/A ☐ TREATED AND RELEASED ☐ HOSPITALIZED ☐ REFUSED TREATMENT ☐ DECEASED DATE | NAME/ LOCATION OF HOSP/ TREATMENT FACILITY ☐ N/A

Reason For Death | Is There Serious Injury ☐ YES ☐ NO | ☐ N/A PRISON GANG / DISRUPTIVE GROUP: | VALIDATED / ASSOCIATED ☐ VALIDATED ☐ ASSOCIATED

NAME: LAST | FIRST | MI | CDC # | SEX | ETHNICITY | FBI #: | CII #

PARTICIPANT ☐ VICTIM ☐ SUSPECT ☐ WITNESS | CLASS SCORE | PVRTC ☐ YES ☐ NO | DATE REC'D BY CDC | DATE REC'D BY INST | ANTICIPATED RELEASE DATE | LWOP | EXTRACTION ☐ YES ☐ NO | DOB | HOUSING

INMATE LEVEL | ☐ N/A ☐ CCCMS ☐ EOP ☐ DMH ☐ MHCB ☐ DDP ☐ DPP | COMMITMENT OFFENSE | COUNTY OF COMMITMENT

☐ N/A DESCRIPTION OF INJURIES | Injury Location - Cause - Force Use

☐ N/A ☐ TREATED AND RELEASED ☐ HOSPITALIZED ☐ REFUSED TREATMENT ☐ DECEASED DATE | NAME/ LOCATION OF HOSP/ TREATMENT FACILITY ☐ N/A

Reason For Death | Is There Serious Injury ☐ YES ☐ NO | ☐ N/A PRISON GANG / DISRUPTIVE GROUP | VALIDATED / ASSOCIATED ☐ VALIDATED ☐ ASSOCIATED

CAL B0701769

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DV-1.5.2

CRIME / INCIDENT REPORT
PART B2 - STAFF
CDCR 837-B2 (REV. 10/06)

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INSTITUTION	FACILITY	INCIDENT LOG NUMBER
CAL	FBY - B YARD #1	CAL-FBY-07-08-0240

STAFF (ENTIRE SHEET)

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
NEAL	C		CORRECTIONAL SERGEANT	M	BLA	

PARTICIPANT	BADGE #	ID #	POST ASSIGN #	POSITION
PRIMARY	64571	17602931	120153	B YARD SERGEANT

☑ N/A DESCRIPTION OF INJURIES, LOCATION AND CAUSE:

☑ N/A NAME/ LOCATION OF HOSP/ FACILITY

Reason For Death

☑ N/A ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ HOSPITALIZED ☐ DECEASED DATE

Is There ASCA Serious Injury ◉ No ○ Yes

USED FORCE ☑ Yes ☐ No
TYPE OF FORCE: OC

PROCESSED EVIDENCE ☑ Yes ☐ No

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
DAVILA	N		CORRECTIONAL OFFICER	M	HIS	

PARTICIPANT	BADGE #	ID #	POST ASSIGN #	POSITION
RESPONDER	69156	1763708	B REC OFFICER	620624

☑ N/A DESCRIPTION OF INJURIES, LOCATION AND CAUSE:

☑ N/A NAME/ LOCATION OF HOSP/ FACILITY

Reason For Death

☑ N/A ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ HOSPITALIZED ☐ DECEASED DATE

Is There ASCA Serious Injury ◉ No ○ Yes

USED FORCE ☐ Yes ☑ No
TYPE OF FORCE:

PROCESSED EVIDENCE ☐ Yes ☑ No

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
RIVAS	J		CORRECTIONAL OFFICER	M	HIS	S/S

PARTICIPANT	BADGE #	ID #	POST ASSIGN #	POSITION
RESPONDER	45867	176385	620636	B YARD GUNNER

☑ N/A DESCRIPTION OF INJURIES, LOCATION AND CAUSE:

☑ N/A NAME/ LOCATION OF HOSP/ FACILITY

Reason For Death

☑ N/A ☐ TREATED AND RELEASED ☐ REFUSED TREATMENT ☐ HOSPITALIZED ☐ DECEASED DATE

Is There ASCA Serious Injury ◉ No ○ Yes

USED FORCE ☐ Yes ☑ No
TYPE OF FORCE:

PROCESSED EVIDENCE ☐ Yes ☑ No

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

DV-1.5.2

CRIME / INCIDENT REPORT
PART B2 - STAFF
CDCR 837-B2 (REV. 10/06)

INSTITUTION	FACILITY	INCIDENT LOG NUMBER
CAL	FBY - B YARD #1	CAL-FBY-07-08-0240

STAFF (ENTIRE SHEET)

NAME: LAST	FIRST	MI	TITLE	SEX	ETHNICITY	RDO'S
TORRENT	J.	R.	CORRECTIONAL OFFICER	M	WHI	T/W

PARTICIPANT	BADGE #	ID #	POST ASSIGN #	POSITION
RESPONDER	64585	17602893	B5 FLOOR #1	620617

☑ N/A DESCRIPTION OF INJURIES, LOCATION AND CAUSE:

☑ N/A NAME/ LOCATION OF HOSP/ FACILITY

Reason For Death

☑ N/A ☐ TREATED AND RELEASED
☐ REFUSED TREATMENT ☐ HOSPITALIZED
☐ DECEASED DATE

Is There ASCA Serious Injury ◉ No ○ Yes

USED FORCE ☐ Yes ☑ No
TYPE OF FORCE:

PROCESSED EVIDENCE ☐ Yes ☑ No

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C - STAFF REPORT

CDCR 837-C (REV. 10/06)

Page 1 of 15

INCIDENT LOG NUMBER: CAL FBY 07 88 0240

NAME: LAST	FIRST	MI	INCIDENT DATE	INCIDENT TIME
NEAL	C		8-17-07	1129 HRS

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
120153	B-YARD SGT.	6 YR. 0 MO.	8-17-07	B-YARD #1 HAND BALL COURT

RDO's	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE
	0800-1600	BATTERY ON I/M W/WPN N/S/J	3005 (C)

YOUR ROLE: [X] PRIMARY [ ] RESPONDER [ ] WITNESS [ ] VICTIM [ ] CAMERA [ ] SCRIBE

WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER): NEAL, C

INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES):
- CLARK H76477 CELL 242 B-4 (V)
- ROBINSON J71342 CELL B-2107L (S)

FORCE USED BY YOU: [ ] WEAPON [ ] PHYSICAL [X] CHEMICAL [ ] NONE

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / FORCE

[X] N/A

FORCE: [ ] EXPANDABLE BATON [ ] PHYSICAL FORCE [ ] X10

WEAPON: [ ] MINI 14 [ ] .38 CAL [ ] 9MM [ ] SHOTGUN — WARNING — EFFECT:

LAUNCHER: [ ] 37MM [ ] L8 [ ] 40MM [ ] 40 MM MULTI [ ] HFWRS — EFFECT#:

CHEMICAL TYPE: [ ] N/A [X] OC MK-9X [ ] CN [ ] CS [ ] OTHER

FORCE OBSERVED BY YOU: [ ] WEAPON [ ] PHYSICAL [ ] CHEMICAL [X] NONE

EVIDENCE DESCRIPTION: [ ] N/A — STATE ISSUED CRANE

EVIDENCE DESCRIPTION: [ ] N/A — Placed in locker #11 in Control

BIO HAZARD: [ ] Yes [X] No

PPE: [ ] Yes [X] No

EVIDENCE COLLECTED BY: [X] Yes [ ] No

DESCRIPTION OF INJURY: [X] N/A

LOCATION TREATED (HOSPITAL / CLINIC): [X] N/A

FLUID EXPOSURE: [ ] BODILY [ ] UNKNOWN [ ] OTHER [X] N/A

SCIF 3301/3067 COMPLETED: [ ] Yes [X] No

REPORTING STAFF INJURED: [ ] Yes [X] No

NARRATIVE:

ON FRIDAY AUGUST 17, 2007 AT APPROXIMATLEY 1129 HRS WHILE PERFORMING MY DUTIES AS B-YARD SERGEANT B-YARD #1 ON THE HANDBALL COURT WHEN I ARRIVED TO THE SCENE I SAW TWO INMATES STANDING IN FRONT OF EACH OTHER WITH I/M ROBINSON J-71342 B-2 107L HOLDING A CANE IN HIS RIGHT HAND ATTEMPTING TO STRIKE I/M CLARK H-76477 B-4 242. I THEN ORDERED BOTH COMBATANTS TO GET DOWN WITH NEGATIVE RESULTS. I/M ROBINSON TRIED TO SWING AT I/M CLARK AGAIN AT THIS TIME UTILIZING MY STATE ISSUED MK-9X OC SPRAY I DESPENSED (1) ONE CONTINUOUS BURST OF SPRAY TO THE FACIAL AREA OF I/M ROBINSON AFTER WHICH BOTH I/M'S COMPLIED AND ASSUMED A PRONE POSITION ON THE GROUND. THE CANE WAS KEPT IN MY POSSESSION UNTIL IT WAS PLACED IN EVIDENCE LOCKER #11 IN CENTRAL CONTROL

[ ] CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID#	DATE
N	B-YARD SGT	64537	120431	8-17-07

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C - STAFF REPORT

CDCR 837-C (REV. 10/06)

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INCIDENT LOG NUMBER: CAL FBY 07 08 0240

NAME: LAST	FIRST	MI	INCIDENT DATE	INCIDENT TIME
Davila	M		8/17/07	1129 hrs

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
	Bravo Rec	2 YR. 5 MO.	8/17/07	Bravo Yard #1 Handball Court

RDO's	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE
M,T	06-1400	Battery on I/M w/wpn	3005(c)

YOUR ROLE: ☐ PRIMARY ☒ RESPONDER ☐ WITNESS ☐ VICTIM ☐ CAMERA ☐ SCRIBE

WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)
C NEAL - STAFF	ROBINSON (J71342) - S
J TORRENT - STAFF	CLARK (H76477) - V

FORCE USED BY YOU: ☐ WEAPON ☐ PHYSICAL ☐ CHEMICAL ☒ NONE

FORCE OBSERVED BY YOU: ☐ WEAPON ☐ PHYSICAL ☐ CHEMICAL ☒ NONE

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / FORCE

☒ N/A

FORCE: ☐ EXPANDABLE BATON ☐ PHYSICAL FORCE ☐ X10

WEAPON: ☐ MINI 14 ☐ .38 CAL ☐ 9MM ☐ SHOTGUN — WARNING — EFFECT:

LAUNCHER: ☐ 37MM ☐ L8 ☐ 40MM ☐ 40 MM MULTI ☐ HFWRS — EFFECT#:

CHEMICAL/ TYPE: ☒ N/A ☐ OC ☐ CN ☐ CS ☐ OTHER

EVIDENCE DESCRIPTION: ☒ N/A

EVIDENCE DESCRIPTION: ☒ N/A

BIO HAZARD: ☐ Yes ☒ No

PPE: ☐ Yes ☒ No

EVIDENCE COLLECTED BY: ☐ Yes ☒ No

DESCRIPTION OF INJURY: ☒ N/A

LOCATION TREATED (HOSPITAL / CLINIC): ☒ N/A

FLUID EXPOSURE: ☐ BODILY ☐ UNKNOWN ☐ OTHER ☒ N/A

SCIF 3301/3067 COMPLETED: ☐ Yes ☒ No

REPORTING STAFF INJURED: ☐ Yes ☒ No

NARRATIVE:

On friday August 17, 2007 at approx 1129 while performing my duties as 2/W Bravo rec officer, I responded to an alarm on Bravo yard I on the handball court. While arriving at the scene I/M Clark (H76477) and I/M Robinson (J71342) were on the floor face down on the prone position. I then handcuffed I/M Clark (H76477) and conducted a clothed body search with negative results. I escorted I/M Clark to the Bravo medical clinic and placed him in the holding cell. I conducted an unclothed body search on I/M Clark with negative results. [signature]

☐ CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID#	DATE
[signature]	C/O	69156	1763702	8/17/07

NAME AND TITLE OF REVIEWER (PRINT, SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE
		☐ Yes ☐ No	☐ Yes ☐ No	/ /

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C2- REVIEW NOTICE

CDCR 837-C2 (Rev. 07/05)

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REPORTING EMPLOYEE NAME (PRINT/TYPE)			INCIDENT LOG NUMBER	DATE OF INCIDENT
LAST: DAVILA	FIRST: M.	MI:	CAL-FBY-07-08-0240	08/17/07

Your report concerning the above referenced incident has been reviewed and the following information is required:

- [X] Prepare a CDCR 837-C1 Supplement report clarifying the issues listed below:
- [ ] Prepare a CDCR 837-C1 Supplement report providing additional information regarding the issues listed below:
- [ ] Prepare a CDCR 837-A1 Supplement report clarifying the issues listed below:
- [ ] Prepare a CDCR 837-A1 Supplement report to ammend the information regarding the issues listed below:

DUE BY: 08/22/07　　RETURN TO: T. A. CATLETT, Correctional Sergeant

Did you conduct a search of the Holding Cell prior to placing Inmate Clark, H76477 inside?

- [ ] CHECK IF CONTINUED ON ADDITIONAL PART C2

NAME OF REVIEWER (PRINT)	TITLE	SIGNATURE	DATE
T. A. CATLETT	CORR SGT	[signature]	8/24/07

Distribution: Original: Incident Package　Canary: Reporting Employee　Pink: Reviewing Supervisor

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C1- SUPPLEMENT

CDCR 837-C1 (Rev. 07/05)

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INCIDENT LOG NUMBER: CAL-FBY-07-08-0240

NAME: LAST	FIRST	MI
DAVILA	M	

TYPE OF INFORMATION:

☐ CONTINUATION OF REPORT ☒ CLARIFICATION OF REPORT ☐ ADDITIONAL INFORMATION

NARRATIVE:

Yes. I conducted a search of the holding cell prior to placing I/m Clark (H76477) inside, with negative results —

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID #	DATE
[signature]	C/O	69156	1763708	

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE
		☐ YES ☐ NO	☐ YES ☐ NO	

Distribution: Original: Incident Package Copy: Reporting Employee Copy: Reviewing Supervisor

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STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C - STAFF REPORT

CDCR 837-C (REV. 10/06)

Page 7 of 8 (11 of 15)

INCIDENT LOG NUMBER: CAL FBY 0708 0240

NAME: LAST	FIRST	MI	INCIDENT DATE	INCIDENT TIME
Rivas	J	H	8-17-07	1129

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
620635	B observation	15 YR. 10 MO.	8-17-07	yd #1 handball court

RDO's	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE
SS	06-14	Battery on an Inmate w/weapon	3005 c

YOUR ROLE: [x] PRIMARY [ ] RESPONDER [ ] WITNESS [ ] VICTIM [ ] CAMERA [ ] SCRIBE

WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER):

INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES):

Inmate	CDC #
Robinson	J 71342
Clark	H 76477

FORCE USED BY YOU: [ ] WEAPON [ ] PHYSICAL [ ] CHEMICAL [x] NONE

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / FORCE

[x] N/A

FORCE: [ ] EXPANDABLE BATON [ ] PHYSICAL FORCE [ ] X10

WEAPON: [x] MINI 14 [ ] .38 CAL [ ] 9MM [ ] SHOTGUN — WARNING — EFFECT:

LAUNCHER: [ ] 37MM [ ] L8 [ ] 40MM [ ] 40 MM MULTI [ ] HFWRS — EFFECT#:

CHEMICAL / TYPE: [x] N/A [ ] OC [ ] CN [ ] CS [ ] OTHER

FORCE OBSERVED BY YOU: [ ] WEAPON [ ] PHYSICAL [ ] CHEMICAL [x] NONE

EVIDENCE DESCRIPTION: [x] N/A

EVIDENCE DESCRIPTION: [x] N/A

BIO HAZARD: [ ] Yes [x] No

PPE: [ ] Yes [x] No

EVIDENCE COLLECTED BY: [ ] Yes [x] No

DESCRIPTION OF INJURY: [x] N/A

LOCATION TREATED (HOSPITAL / CLINIC): [x] N/A

FLUID EXPOSURE: [ ] BODILY [ ] UNKNOWN [ ] OTHER [x] N/A

SCIF 3301/3067 COMPLETED: [ ] Yes [x] No

REPORTING STAFF INJURED: [ ] Yes [x] No

NARRATIVE:

On Friday 8-17-07 at approximately 1129 hours while performing my duty as B observation booth officer, I observed two (2) inmates later identified by responding yard staff as; Robinson CDC# J71342 B2107L and Clark #H76477 B4 242L. Both inmates were facing each other on the yard #1 handball court (Looking east from observation) Inmate Robinson had a cane in his hands and was swinging it at inmate Clark who had both his hands up clenched into fists, both inmates were trying to strike each other. I then verbally orderd the yard via the pa system all inmates complied with the exception of the combatants. I advised yard staff of the disturbance on the yard #1 hand ball court. I then chambered one (1) round from my state issue mini 14 serial 185-59072 and directed my point of aim at inmate Robinson's left side torso (Robin was wielding the cane) at this time responding yard staff arrived I then placed my weapon on safe, and directed my weapon's point of aim

[ ] CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID#	DATE
[signature]	C/O	45867	176355	8-17-07

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C1 - SUPPLEMENT
CDCR 837-C1 (REV. 10/06)

Page ~~2~~ 12 of ~~2~~ 15

INCIDENT LOG NUMBER: CAL FDY 0708 0240

NAME LAST: Rivas
FIRST: J
MI: H

TYPE OF INFORMATION:
[X] CONTINUATION OF REPORT [ ] CLARIFICATION OF REPORT [ ] ADDITIONAL INFORMATION

in a safe direction. yard staff placed both inmates in restraints without further incident.

CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	DATE
[signature]	C/O	45867	2/17/07

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE

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STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C - STAFF REPORT

CDCR 837-C (REV. 10/06)

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INCIDENT LOG NUMBER
CAL FB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

NAME: LAST	FIRST	MI	INCIDENT DATE	INCIDENT TIME
TORRENT	J.	R.	8-17-07	1129

POST #	POSITION	YEARS OF SERVICE	DATE OF REPORT	LOCATION OF INCIDENT
	B-5 FLOOR	5 YR. 5 MO.	8-17-07	B-YRD #1 HANDBALL COURT.

RDO's	DUTY HOURS	DESCRIPTION OF CRIME / INCIDENT	CCR SECTION / RULE
T/W	06-1400	BATTERY ON I/M W/WPN N/S/J	3005 (C)

YOUR ROLE	WITNESSES (PREFACE S-STAFF, V-VISITOR, O-OTHER)	INMATES (PREFACE S-SUSPECT, V-VICTIM, W-WITNESSES)	
☐ PRIMARY	SGT NIER	ROBINSON	J 71342 B-2 107
☑ RESPONDER		CLARK	H-76477 B-4 242
☐ WITNESS			
☐ VICTIM			
☐ CAMERA			
☐ SCRIBE			

FORCE USED BY YOU: ☐ WEAPON ☐ PHYSICAL ☐ CHEMICAL ☑ NONE

FORCE USED BY YOU - TYPE OF WEAPON / SHOTS FIRED / FORCE

☒ N/A

FORCE: ☐ EXPANDABLE BATON ☐ PHYSICAL FORCE ☐ X10

WEAPON:	WARNING	EFFECT:	LAUNCHER:	EFFECT#:
☐ MINI 14			☐ 37MM	
☐ .38 CAL			☐ L8	
☐ 9MM			☐ 40MM	
☐ SHOTGUN			☐ 40 MM MULTI	
			☐ HFWRS	

CHEMICAL TYPE: ☑ N/A ☐ OC ☐ CN ☐ CS ☐ OTHER

FORCE OBSERVED BY YOU: ☐ WEAPON ☐ PHYSICAL ☐ CHEMICAL ☑ NONE

EVIDENCE DESCRIPTION	EVIDENCE DESCRIPTION	BIO HAZARD	PPE
☑ N/A	☑ N/A	☐ Yes ☑ No	☐ Yes ☑ No

EVIDENCE COLLECTED BY YOU: ☐ Yes ☑ No

DESCRIPTION OF INJURY	LOCATION TREATED (HOSPITAL / CLINIC)	FLUID EXPOSURE	SCIF 3301/3067 COMPLETED
☑ N/A	☑ N/A	☐ BODILY ☐ UNKNOWN ☐ OTHER ☑ N/A	☐ Yes ☑ No

REPORTING STAFF INJURED: ☐ Yes ☑ No

NARRATIVE:

ON FRIDAY AUGUST 17, 2007 AT APPROXIMATELY 1129 HOURS WHILE PERFORMING MY DUTIES AS BRAVO 5 FLOOR #1 I RESPONDED TO AN ALARM ON B-YARD, YARD #1 HANDBALL COURT INMATE ROBINSON J-71342 B-2 107 AND I/M CLARK H-76477 B-4 242 WERE IN THE PRONE POSITION ON THE GROUND (A) SGT NIER ORDERED ME TO PUT I/M ROBINSON IN MECHANICAL RESTRAINTS I THEN ESCORTED ROBINSON TO YARD #1 SHOWER TO DECONTAMINATE WITH COPIOUS AMOUNTS OF COOL RUNNING WATER I THEN ESCORTED I/M ROBINSON TO BRAVO PROGRAM OFFICE AND PLACED HIM IN HOLDING CELL #1 WERE I CONDUCTED AN UNCLOTHED BODY SEARCH WITH NEGATIVE RESULTS I ALSO CONDUCTED A CLOTHED BODY SEARCH PRIOR TO ESCORT WITH NEGATIVE RESULTS.

☐ CHECK IF NARRATIVE IS CONTINUED ON PART C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID #	DATE
J. Torrent	CORRECTIONAL OFFICER	64585	1260283	8-17-07

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C2- REVIEW NOTICE

CDCR 837-C2 (Rev. 07/05)

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REPORTING EMPLOYEE NAME (PRINT/TYPE)			INCIDENT LOG NUMBER	DATE OF INCIDENT
LAST: TORRENT	FIRST: J.	MI:	CAL-FBY-07-08-0240	08/17/07

Your report concerning the above referenced incident has been reviewed and the following information is required:

- [X] Prepare a CDCR 837-C1 Supplement report clarifying the issues listed below:
- [ ] Prepare a CDCR 837-C1 Supplement report providing additional information regarding the issues listed below:
- [ ] Prepare a CDCR 837-A1 Supplement report clarifying the issues listed below:
- [ ] Prepare a CDCR 837-A1 Supplement report to ammend the information regarding the issues listed below:

DUE BY: 08/24/07 RETURN TO: T. A. CATLETT, Correctional Sergeant

Did you conduct a search of the Holding Cell prior to placing Inmate Robinson, J71342 inside?

- [ ] CHECK IF CONTINUED ON ADDITIONAL PART C2

NAME OF REVIEWER (PRINT)	TITLE	SIGNATURE	DATE
T. A. CATLETT	CORR SGT	[signature]	8/24/07

Distribution: Original: Incident Package Canary: Reporting Employee Pink: Reviewing Supervisor

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS AND REHABILITATION

CRIME / INCIDENT REPORT
PART C1- SUPPLEMENT

CDCR 837-C1 (Rev. 07/05)

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INCIDENT LOG NUMBER: CAL-FBY-07-08-0240

NAME: LAST	FIRST	MI
TORRENT	J.	

TYPE OF INFORMATION:

☐ CONTINUATION OF REPORT ☒ CLARIFICATION OF REPORT ☐ ADDITIONAL INFORMATION

NARRATIVE:

I CONDUCTED A SEARCH OF HOLDING CELL #1 WITH NEG. RESULTS.

☐ CHECK IF NARRATIVE IS CONTINUED ON ADDITIONAL C1

SIGNATURE OF REPORTING STAFF	TITLE	BADGE #	ID #	DATE
[signature]	C/O	64585	17662893	8-24-07

NAME AND TITLE OF REVIEWER (PRINT / SIGNATURE)	DATE RECEIVED	APPROVED	CLARIFICATION NEEDED	DATE
[signature]	8/24/07	☒ YES ☐ NO	☐ YES ☒ NO	8/24/07

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STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

MEDICAL REPORT OF INJURY OR UNUSUAL OCCURRENCE

NAME OF INSTITUTION	FACILITY/UNIT	REASON FOR REPORT (circle)	DATE
CAL SP	Bravo	INJURY / ON THE JOB INJURY / USE OF FORCE / UNUSUAL OCCURRENCE / (PRE AD/SEG ADMISSION) circled	8/17/07

	NAME LAST	FIRST	CDC NUMBER	HOUSING LOC.	NEW HOUSING LOC.
THIS SECTION FOR INMATE ONLY	Robinson	N	J-71342	B2-107	

	NAME LAST	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
THIS SECTION FOR STAFF ONLY	/		/		/

	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
THIS SECTION FOR VISITOR ONLY	/		/		/
	HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE

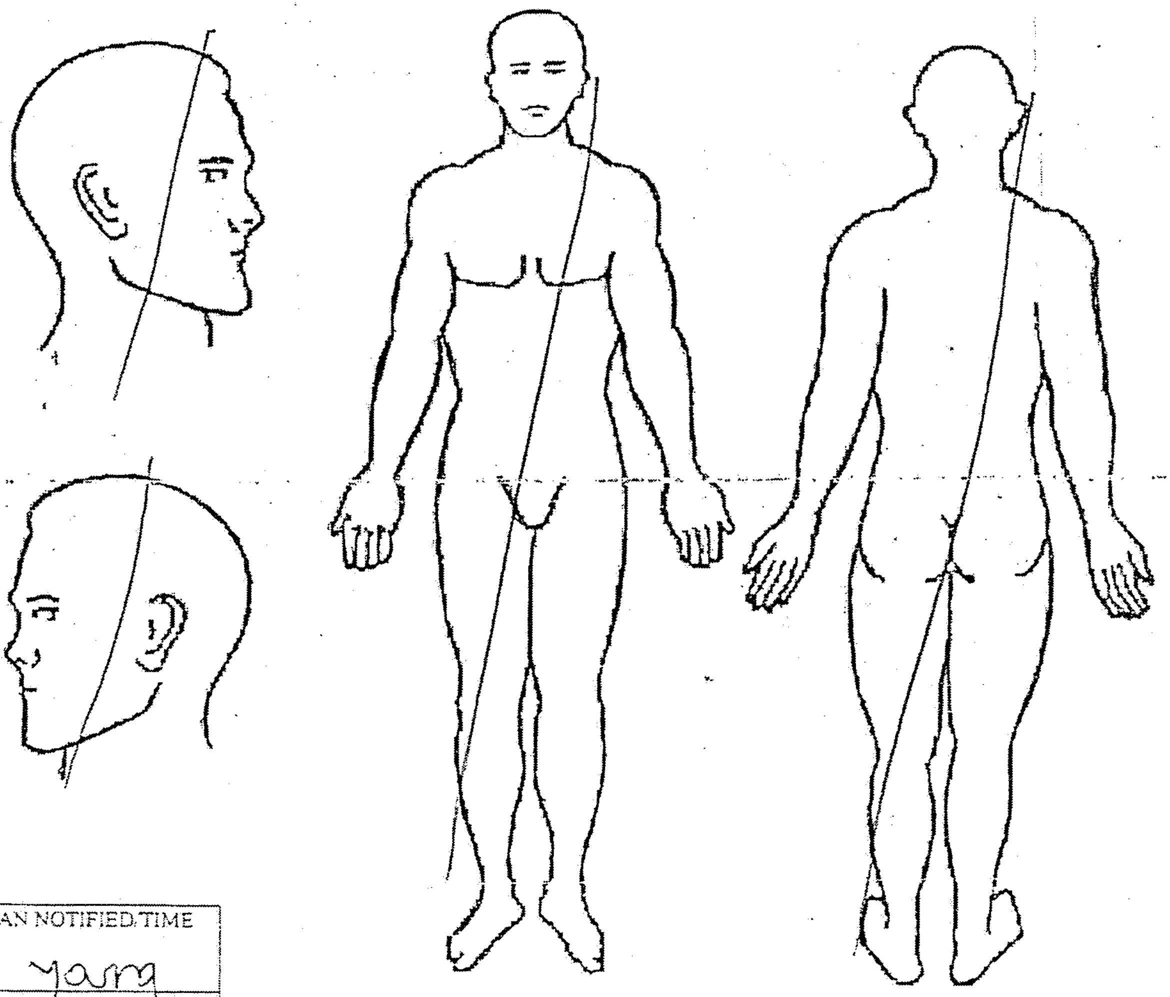
PLACE OF OCCURRENCE	DATE/TIME OF OCCURRENCE	NAME OF WITNESS(ES)
Yard, B	8/17/07 1130	

TIME NOTIFIED	TIME SEEN	ESCORTED BY	MODE OF ARRIVAL (circle)	AGE	RACE	SEX
1135	1220	CO	LITTER / WHEELCHAIR / (AMBULATORY) circled / ON SITE	39	Blk	Mal

BRIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR ~~UNUSUAL~~ OCCURRENCE

Ø comments:

INJURIES FOUND? YES / NO	
Abrasion/Scratch	1
Active Bleeding	2
Broken Bone	3
Bruise/Discolored Area	4
Burn	5
Dislocation	6
Dried Blood	7
Fresh Tattoo	8
Cut/Laceration/Slash	9
O.C. Spray Area	10
Pain	11
Protrusion	12
Puncture	13
Reddened Area	14
Skin Flap	15
Swollen Area	16
Other:	17
	18
	19



O.C. SPRAY EXPOSURE?	YES / NO
DECONTAMINATED?	YES / NO
Self-decontamination instructions given?	YES / NO
Refused decontamination?	YES / NO
Q 15 min. checks	
Staff issued exposure packet?	YES / NO

RN NOTIFIED/TIME	PHYSICIAN NOTIFIED/TIME
Salgado	PA Young

TIME/DISPOSITION: 1230 Release custody

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)	BADGE #	RDOs
D. Soto [illegible]	4373	[illegible]

TATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

MEDICAL REPORT OF INJURY OR UNUSUAL OCCURRENCE

IAME OF INSTITUTION	FACILITY/UNIT	REASON FOR REPORT (circle)			DATE
CAL SP	Bravo yard.	USE OF FORCE	(INJURY circled) UNUSUAL OCCURRENCE	ON THE JOB INJURY / PRE AD/SEG ADMISSION	8/17/07

	NAME LAST	FIRST	CDC NUMBER	HOUSING LOC.	NEW HOUSING LOC.
HIS SECTION FOR NMATE ONLY	Clark	C	H-76477	B4-247	

	NAME LAST	FIRST	BADGE #	RANK/CLASS	ASSIGNMENT/RDOs
HIS SECTION FOR TAFF ONLY					

	NAME LAST	FIRST	MIDDLE	DOB	OCCUPATION
HIS SECTION FOR ISITOR ONLY					
	HOME ADDRESS	CITY	STATE	ZIP	HOME PHONE

LACE OF OCCURRENCE	DATE/TIME OF OCCURRENCE	NAME OF WITNESS(ES)
yard Bravo	8/17/07 1130	

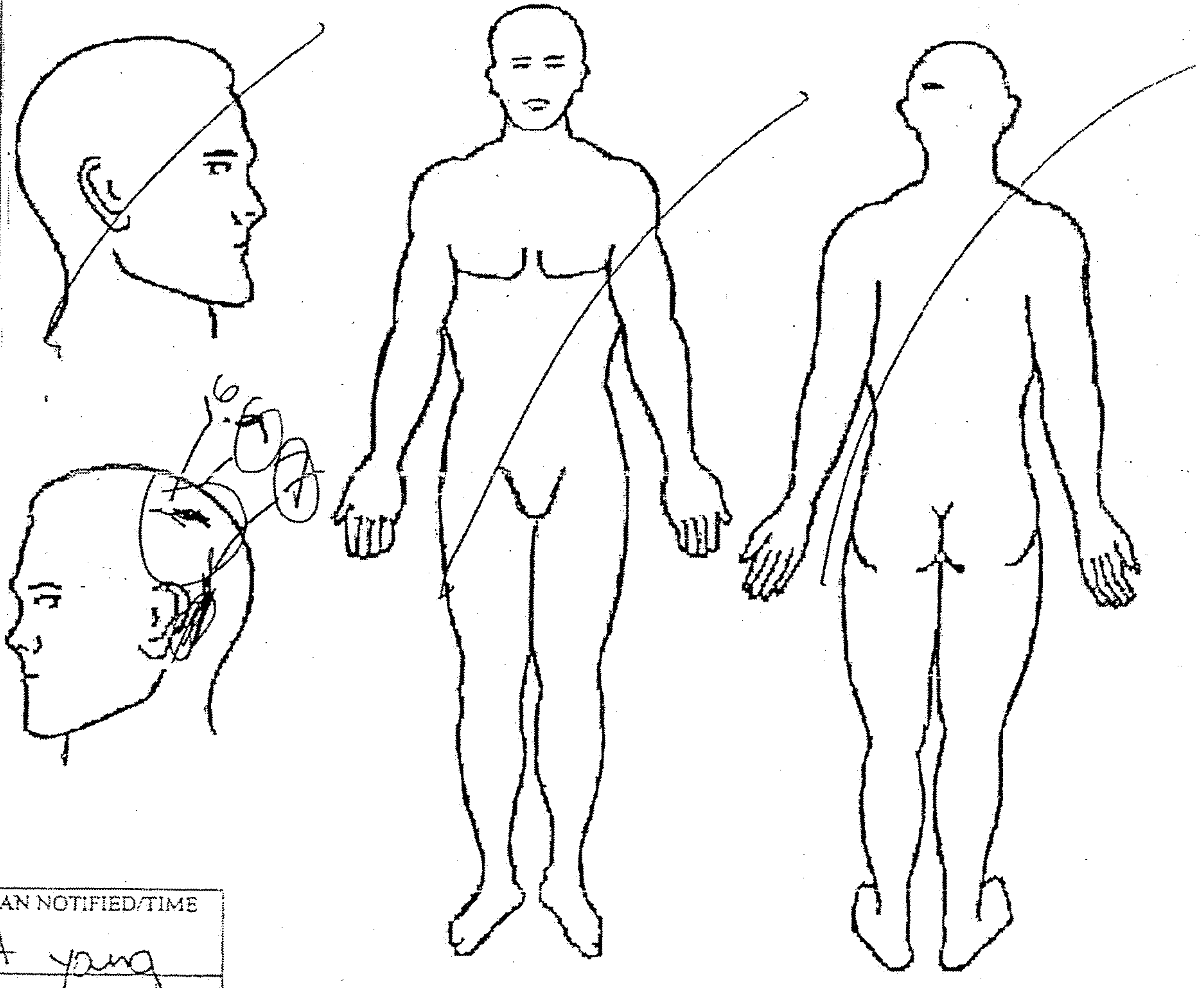
ME NOTIFIED	TIME SEEN	ESCORTED BY	MODE OF ARRIVAL (circle)	AGE	RACE	SEX
1135	1142	CO	(AMBULATORY circled) LITTER WHEELCHAIR ON SITE	32	Blk	M

RIEF STATEMENT IN SUBJECT'S WORDS OF THE CIRCUMSTANCES OF THE INJURY OR UNUSUAL OCCURRENCE

I. hit my head on grand.

IJURIES FOUND? (YES circled) / NO

brasion/Scratch	1
ctive Bleeding	2
roken Bone	3
ruise/Discolored Area	4
urn	5
islocation	6
ried Blood	(7 circled)
esh Tattoo	8
ut/Laceration/Slash	(9 circled)
C. Spray Area	10
in	11
otrusion	12
ncture	13
eddened Area	14
in Flap	15
vollen Area	(16 circled)
her	17
r	18
	19



. SPRAY EXPOSURE?	YES / NO
CONTAMINATED?	YES / NO
f-decontamination ructions given?	YES / NO
used decontamination?	YES / NO
min. checks	
T issued exposure packet?	YES / NO

NOTIFIED/TIME	PHYSICIAN NOTIFIED/TIME
Salgado 1200	PA young

IE/DISPOSITION

1200 Released to custody

REPORT COMPLETED BY/TITLE (PRINT AND SIGN)	BADGE #	RDOs
Duarte M. LVN	4773	MT

(Medical data is to be included in progress note or emergency care record filed in UHR)

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STATE OF CALIFORNIA DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	RELEASE/BOARD DATE	INST.	HOUSING NO.	LOG NO.
J-71342	ROBINSON (2SR)		CAL-IV	B2-127L	[illegible]

VIOLATED RULE NO(S).	SPECIFIC ACTS	LOCATION	DATE	TIME
CCR 3005 (c)	BATTERY ON AN INMATE W/WEAPON	FAC. B YARD #1	08-17-07	1125 HRS.

CIRCUMSTANCES

On Friday, August 17, 2007, at approximately 1125 hours, while performing my duties as 'B' Observation booth Officer, I observed Two (2) inmates later identified by responding yard staff as Inmate ROBINSON, -71342, B2-127L, and Inmate CLARK, H-73477, B4-242L. Both inmates were facing each other on the yard #1 Handball Court looking east from observation, Inmate ROBINSON had a cane in his hands and was swinging it at Inmate CLARK who had both his hands up clenched into fists. "Both inmates were trying to strike each other." I then verbally ordered the yard via the P.A. system all inmates complied with the exception of the combatants. I advised yard staff of the disturbance on the yard #1 handball court. Inmate ROBINSON was wielding the cane. At this time responding staff arrived and placed both inmates in restraints without further incident. Upon Medical evaluation by medical staff it was determined that Inmate CLARK received a laceration with swelling to the left side of his head, consistent with being bludgeoned with the cane.

Inmate ROBINSON is not a participant of the Mental Health Services Delivery System (MHSDS) Care.
Inmate ROBINSON is aware of this report.

REPORTING EMPLOYEE (Typed Name and Signature)	DATE	ASSIGNMENT	RDO'S
▶ J. RIVAS, Correctional Officer		'B' Observation	3/4

REVIEWING SUPERVISOR'S SIGNATURE	DATE	☐ INMATE SEGREGATED PENDING HEARING
▶ T. CARPIT, Correctional Sergeant	[illegible]	DATE [illegible] LOC. [illegible]

CLASSIFIED	OFFENSE DIVISION:	DATE	CLASSIFIED BY (Typed Name and Signature)	HEARING REFERRED TO
☐ ADMINISTRATIVE ☒ SERIOUS	A-1	[illegible]	▶ [illegible]	☐ HO ☒ SHO ☐ SC ☐ FC

COPIES GIVEN INMATE BEFORE HEARING

☒ CDC 115	BY: (STAFF'S SIGNATURE)	DATE	TIME	TITLE OF SUPPLEMENT
CDC 115-A	▶ [illegible]	[illegible]	[illegible]	[illegible]

☒ INCIDENT REPORT LOG NUMBER:	BY: (STAFF'S SIGNATURE)	DATE	TIME	BY: (STAFF'S SIGNATURE)	DATE	TIME
[illegible]-FBY-07-08-0240	▶ [illegible]	[illegible]	[illegible]	▶	[illegible]	

HEARING

REFERRED TO ☐ CLASSIFICATION ☐ BPT/NAEA

ACTION BY: (TYPED NAME)	SIGNATURE	DATE	TIME
	▶		

REVIEWED BY: (SIGNATURE)	DATE	CHIEF DISCIPLINARY OFFICER'S SIGNATURE	DATE
▶		▶	

☐ COPY OF CDC 115 GIVEN INMATE AFTER HEARING	BY: (STAFF'S SIGNATURE)	DATE	TIME
	▶		

CDC 115 (7/88)

CAL 307017769

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STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

RULES VIOLATION REPORT - PART C

PAGE 1 OF 1

CDC NUMBER	INMATE'S NAME	LOG NUMBER	INSTITUTION	TODAY'S DATE
J-71342	ROBINSON (BLK)	08-07-B20	CAL-CSP-IV	08/17/07

[X] SUPPLEMENTAL | [ ] CONTINUATION OF: [X] 115 CIRCUMSTANCES | [ ] HEARING | [ ] IE REPORT | [ ] OTHER______

On Friday, August 17, 2007, at approximately 110[illegible] hours while performing my duties 'F' Yard Sergeant, observing on 'F' Yard #1 on the Handball Court, when I arrived to the scene I saw Two inmates standing in front of each other with Inmate ROBINSON, J-71342, B2-107L, holding a cane in his right hand attempting to strike Inmate Inmate CLARK, H-75477, B4-242. I then ordered both combatants to get down with negative results. Inmate ROBINSON tried to swing at Inmate CLARK again. At this time utilizing my state issued 'MK' (OC) spray I dispensed One (1) continuous burst of spray to the facial area of Inmate ROBINSON after which both inmates complied and assumed a prone position on the ground. The Cane was confiscated and placed into Evidence Locker #11 in Central Control.

This concludes my report.

SIGNATURE OF WRITER	DATE SIGNED
C.L. NEAL, CORRECTIONAL SERGEANT (A)	

[X] COPY OF CDC 115-C GIVEN TO INMATE	GIVEN BY: (Staff's Signature)	DATE SIGNED	TIME SIGNED

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STATE OF CALIFORNIA

CAL B 0701769 DEPARTMENT OF CORRECTIONS

SERIOUS RULES VIOLATION REPORT

CDC NUMBER	INMATE'S NAME	VIOLATED RULE NO(S).	DATE	INSTITUTION	LOG NO.
J-71342	ROBINSON (BLK)	CCR-3005(c)	03/17/07	CAL-CSP-IV	03-07-320

REFERRAL FOR FELONY PROSECUTION IS LIKELY IN THIS INCIDENT ☐ YES ☐ NO

POSTPONEMENT OF DISCIPLINARY HEARING

	INMATE'S SIGNATURE	DATE
☐ **I DO NOT REQUEST** my hearing be postponed pending outcome of referral for prosecution.	▶	
☐ **I REQUEST** my hearing be postponed pending outcome of referral for prosecution.	▶	

DATE NOTICE OF OUTCOME RECEIVED | DISPOSITION

	INMATE'S SIGNATURE	DATE
☐ **I REVOKE** my request for postponement	▶	

STAFF ASSISTANT

STAFF ASSISTANT

☐ REQUESTED ☐ WAIVED BY INMATE — INMATE'S SIGNATURE ▶ — DATE

☐ ASSIGNED — DATE — NAME OF STAFF

☐ NOT ASSIGNED — REASON

INVESTIGATIVE EMPLOYEE

INVESTIGATIVE EMPLOYEE

☒ REQUESTED ☐ WAIVED BY INMATE — INMATE'S SIGNATURE ▶ — DATE

☐ ASSIGNED — DATE — NAME OF STAFF

☐ NOT ASSIGNED — REASON

EVIDENCE / INFORMATION REQUESTED BY INMATE:

WITNESSES

WITNESSES REQUESTED AT HEARING (IF NOT PRESENT, EXPLAIN IN FINDINGS)

☐ REPORTING EMPLOYEE ☐ STAFF ASSISTANT ☐ INVESTIGATIVE EMPLOYEE ☒ OTHER ______ ☐ NONE

WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED	WITNESSES (GIVE NAME AND TITLE OR CDC NUMBER)	GRANTED	NOT GRANTED
	☐	☐		☐	☐
	☐	☐		☐	☐

INVESTIGATIVE REPORT: Investigative Employees must interview the inmate charged, the reporting employee, and any others who have significant information, documenting the testimony of each person interviewed. Review of files, procedures, and other documents may also be necessary.

INVESTIGATOR'S SIGNATURE ▶ — DATE

☐ COPY OF CDC 115-A GIVEN INMATE — BY: (STAFF'S SIGNATURE) ▶ — TIME — DATE

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CALIPATRIA STATE PRISON CAL B0701769
Calipatria, California

FIRST LEVEL APPEAL RESPONSE

NAME: INMATE ROBINSON, J71342

APPEAL LOG #: CAL-B-07-01769

INTERVIEWED: BY R. JOHNSON, CORRECTIONAL LIEUTENANT

APPEAL ISSUE: PROGRAM

APPEAL DECISION: PARTIALLY GRANTED

APPEAL RESPONSE: In consideration of your appeal, a review of the appeal and its attachments was conducted. The California Code of Regulations (CCR) and all applicable laws and procedures were also considered.

In your appeal you claim that T. Catlett, Correctional Sergeant committed perjury and fraud by falsifying a CDC 128B, Informational Chrono, alleging that you were observed striking another inmate numerous times with your cane. You claim to be experiencing pain and suffering due to being deprived the use of your cane.

In your appeal, you request that the CDC 128B be inspected and corrected, Sergeant. Catlett be counseled, and that you be compensated $5000.00 for libel, slander and pain and suffering.

On October 13, 2007, R. Johnson, Correctional Lieutenant, interviewed you regarding your Appeal Log #CAL-B-07-01769 during the interview you stated: "Maintain action requested."

A review was conducted of all pertinent documents, these documents reflect that an incident occurred in which you were observed using your cane to strike another inmate and the inmate had sustained injuries consistent with being struck with the cane. You were charged with Battery on inmate with a Weapon (Cane). The cane was secured as evidence as with all confiscated weapons. The CDC 128B is the document utilized to identify the disposition of the evidence and the source document to provide information related to the safety and security of the institution, staff and inmates. Additionally, you have been provided a replacement cane to use.

Based on the above, your appeal is Partially Granted at the First Level of Review. Partial granting is due to the CDC 128B being reviewed.

The appellant is advised that this issue may be submitted for a Second Level of Review if desired.

R. Johnson
Correctional Lieutenant
Calipatria State Prison

10/16/07
Date

State of California Department of Corrections and Rehabilitation

Memorandum

Date : NOV 14 2007

To : INMATE ROBINSON, J71342

Subject : **SECOND LEVEL APPEAL RESPONSE LOG NO.: CAL-B-07-01769**

ISSUE: PROGRAM

It is your position that Correctional Sergeant T. Catlett, committed perjury and fraud in falsifying and fabricating false allegations in a CDC 128-B, Informational Chrono dated August 17, 2007, alleging that you were observed striking another inmate numerous times with your cane. This CDC 128-B was used as documentation to support removing the cane from your possession as a safety and security measure. You further note in your appeal that you are experiencing pain and suffering due to being denied your walking cane based on the above noted documentation.

You are requesting that the CDC 128-B dated August 17, 2007, be inspected and corrected, that Sergeant Catlett be counseled, and that you be compensated $5,000.00 for libel, slander and pain and suffering.

INTERVIEWED BY: Correctional Lieutenant R. Johnson on October 13, 2007, in preparation for the First Level Appeal Response.

REGULATIONS: In consideration for your appeal, a review of the appeal and its attachments was conducted. The California Code of Regulations (CCR) and all applicable laws and procedures were also considered.

DISCUSSION:

This appeal was partially granted at the First Level of Review in that the CDC 128-B dated October 13, 2007, was reviewed by Correctional Lieutenant Johnson. In that response, Lieutenant Johnson noted that you were provided a replacement cane. In your Second Level Review Request you note that Lieutenant R. Johnson deliberately indifferently misstated the facts of the evidence and falsified and fabricated allegations in his attached CDCR 837-A, A1 Cover Sheet/Supplemental Report dated August 17, 2007, which set in motion the act committed by Sergeant Catlett. For this reason, you note your disagreement with Lieutenant R. Johnson investigating or reviewing this appeal at the First Level of Review.

A review of Crime/Incident Report, Log #CAL-FBY-07-08-0240 dated August 17, 2007, reveals that you were observed swinging your cane attempting to strike another inmate. Nowhere in the written reports for this incident is it documented that you struck the other inmate numerous times with your cane, as documented in the CDC 128-B dated August 17, 2007. Therefore, the CDC 128-B dated August 17, 2007, has been revised (see attached) to accurately reflect the circumstances that led to your cane being confiscated.

DECISION:

The appeal is Partially Granted at the Second Level of Review in that **the CDC128-B dated August 17, 2007, has been revised to accurately reflect the circumstances that led to your cane being confiscated.**

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.

T. OCHOA
Chief Deputy Warden
Calipatria State Prison

CAL B0701769

NAME and NUMBER ROBINSON J-71342 CSP-CAL IV CDC-128-B(Rev.4/74)

On Friday, August 17, 2007, at approximately 1129 hours, Inmate ROBINSON, J-17342, was involved in an incident of Battery on an Inmate with a Weapon, as referenced in Crime/Incident Report, Log #CAL-FBY-07-08-0240. During this incident Inmate ROBINSON was observed attempting to utilize his Cane to assault another inmate. The use of Oleoresin Capsicum spray was necessary in order to quell Inmate ROBINSON's aggressive attempt of using his Cane. The Cane was subsequently placed into evidence, and staff has determined that continued possession of the Cane by Inmate ROBINSON could possibly pose a grevous threat to the safety and security of staff, inmates and the institution.

Inmate ROBINSON is aware of this report.

Orig: Central File
cc: Program Lieutenant
CCI
Housing Unit
Security and Investigations Unit
Inmate

T.A. CATLETT, Correctional Sergeant
Facility "B" Program Sergeant
Calipatria State Prison

DATE 08/17/07 (INFORMATIVE) GENERAL CHRONO

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001

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DIRECTOR'S LEVEL APPEAL DECISION

C-FILE COPY

Date: MAR 0 5 2008

In re: Nehemiah Robinson, J71342
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

IAB Case No.: 0715870 Local Log No.: CAL-07-01769

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner P. D. Vera, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

I **APPELLANT'S ARGUMENT:** It is the appellant's position that Correctional Sergeant (Sgt.) T. Catlett committed perjury and fraud in falsifying and fabricating false allegations that the appellant was observed striking the other inmate numerous times with his cane on August 17, 2007. He claims that he is experiencing pain and suffering and has been denied his walking cane based upon the CDC Form 128-B, General Chrono, authored by Sgt. Catlett. The appellant requests that authorized staff inspect and correct the CDC 128B dated August 17, 2007, authored by Sgt. Catlett. The appellant also requests for Sgt. Catlett to be counseled. He further requests to be compensated $5000.00 for libel, slander and pain and suffering.

II **SECOND LEVEL'S DECISION:** The reviewer found that the appellant's appeal was partially granted at the First Level of Review in that the CDC 128-B dated October 13, 2007, was reviewed by Correctional Lieutenant (Lt.) Johnson. In that response, Lt. Johnson noted that the appellant was provided a replacement cane. A review of the Crime Incident Report Log #Calipatria State Prison (CAL)-FBY-07-08-0240 dated August 17, 2007, reveals that the appellant was observed swinging his cane attempting to strike another inmate. Nowhere in the written reports for this incident is it documented that the appellant struck the other inmate numerous times with his cane, as documented in the CDC 128-B. Therefore, the CDC 128-B dated August 17, 2007, was revised to accurately reflect the circumstances that led to the appellant's cane being confiscated. The appellant's appeal is partially granted at the Second Level of Review (SLR) in that the CDC 128-B dated August 17, 2007, has been revised to accurately reflect the circumstances that led to the appellant's cane being confiscated.

III **DIRECTOR'S LEVEL DECISION:** Appeal is denied.

A. **FINDINGS:** The examiner reviewed the issues of the appellant's appeal and reaffirms the institution's examination and conclusions as addressed within the SLR. The appellant's CDC 128-B dated August 17, 2007, was revised to reflect the circumstances that led to the appellant's cane being confiscated. In addition, the appellant was provided a replacement cane for use. The appellant's request to be compensated $5000.00 is unfounded and beyond the scope of the appeals process. Although the appellant has the right to submit an appeal, the appellant's request for counseling Sgt. Catlett is beyond the scope of the appeals process. Therefore, no further relief is warranted at the Director's Level of Review.

The appellant has added new issues and requests to his appeal. The additional requested action is not addressed herein as it is not appropriate to expand the appeal beyond the initial problem and the initially requested action (CDC Form 602, Inmate/Parolee Appeal Form, Sections A and B).

B. **BASIS FOR THE DECISION:**
California Code of Regulations, Title 15, Section: 3001, 3005, 3286, 3391
CDC Operations Manual Section: 72010.7.2

C. **ORDER:** No changes or modifications are required by the Institution.

This decision exhausts the administrative remedy available to the appellant within CDCR. If dissatisfied, the appellant may forward this issue to the California Victims Compensation and Government Claims Board, (formerly known as the State Board of Control), Government Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035, for further review.

N. GRANNIS, Chief
Inmate Appeals Branch

cc: Warden, CAL
Appeals Coordinator, CAL